

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LEODAN ALARCON-CHAVEZ,

Petitioner,

vs.

THE STATE OF NEBRASKA, and
SCOTT FRAKES, Director of the
Nebraska Department of Corrections;

Respondents.

8:17CV345

**MEMORANDUM
AND ORDER**

This matter is before the court on case management. On January 11, 2018, the court conducted an initial review of the habeas corpus petition ([Filing No. 1](#)) and determined Petitioner's claims, as set forth in the order, were potentially cognizable in federal court. ([Filing No. 8](#).) The court ordered Respondents to file a motion for summary judgment or state court records in support of an answer by February 26, 2018. However, it has come to the court's attention that the Nebraska Attorney General was not made an Interested Party per the court's usual procedure and, thus, has not received notice of the filing of the petition or the court's January 11, 2018 Memorandum and Order. *See Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts* ("In every case, the clerk must serve a copy of the petition and any order on the respondent and on the attorney general . . . of the state involved."). Accordingly,

IT IS ORDERED that:

1. The clerk of the court is directed to add the Nebraska Attorney General as an Interested Party and provide a copy of this order, along with copies of the habeas petition ([Filing No. 1](#)) and the court's January 11, 2018 Memorandum and Order ([Filing No. 8](#)), to the Nebraska Attorney General.

2. On the court's own motion, Respondents shall have until **April 16, 2018**, to file a motion for summary judgment or state court records in support of an answer. The clerk of the court is directed to set a pro se case management deadline in this case using the following text: **April 16, 2018**: deadline for Respondents to file state court records in support of answer or motion for summary judgment.

3. The clerk of the court is directed to set a pro se case management deadline in this case using the following text: **May 16, 2018**: check for Respondents' answer and separate brief.

4. The clerk of the court is directed to terminate the prior pro se case management deadlines of February 26, 2018, and March 27, 2018.

Dated this 28th day of February, 2018.

BY THE COURT:

s/ *Richard G. Kopf*
Senior United States District Judge